

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

RENE DURAN PINEDA AND
DESTINY SOTO,

Plaintiffs,

V.

IRVING RODRIGUEZ AND
ERIE INSURANCE COMPANY,

Defendants.

Cause No. _____

JURY TRIAL DEMANDED

PLAINTIFFS' ORIGINAL COMPLAINT

Plaintiffs file this Original Complaint against Defendants herein and represent to the Court the following:

I. PLAINTIFFS

1. Plaintiffs **RENE DURAN PINEDA AND DESTINY SOTO** are residents of Texas.

II. DEFENDANTS

2. Defendant **IRVING RODRIGUEZ** (hereinafter “Rodriguez”) is a Maryland resident and may be served by personal delivery at 11389 Canary Road, Ijamsville, Maryland

3. Defendant **ERIE INSURANCE COMPANY** (hereinafter "Erie") is a Pennsylvania company that may be served through the registered agent on this claim, Amber Willis at 12121 Tech Road, Silver Spring, Maryland 20904.

III. FACTS AND CLAIMS

4. This lawsuit is necessary as a result of personal injuries that Plaintiff received on or about November 27, 2020. On this date, Plaintiffs were traveling eastbound on I-10 in Jefferson Davis Parish. Defendant driver fell asleep while traveling in the same direction and struck Plaintiffs from behind.

5. Defendants are negligent and negligent per se for the following reasons:

- a. failure to operate the vehicle safely;
- b. failure to properly train its employees;
- c. failure to control speed;
- d. failure to keep a proper lookout;
- e. other acts deemed negligent.

IV. DAMAGES

6. As a result of said occurrences, Plaintiffs sustained severe injuries to their body, which resulted in physical pain, mental anguish, and other medical problems. Plaintiffs have sustained severe pain, physical impairment, discomfort, mental anguish, and distress. In all reasonable probability, Plaintiffs' physical pain, physical impairment and mental anguish will continue indefinitely. Plaintiffs have also suffered a loss of earnings in the past, as well as a loss of future earning capacity. Plaintiffs have incurred and will incur pharmaceutical and medical expenses in connection with their injuries. Plaintiffs have been damaged in a sum far in excess of the minimum jurisdictional limits of this Honorable Court, for which they now sue.

7. WHEREFORE, Plaintiffs pray that Defendants be cited to appear and answer this petition and that after due proceedings be had, that there be judgment entered herein as follows:

- Past and future medical damages;
- Past and future loss of earning capacity;
- Past and future pain and suffering and mental anguish;
- Past and future impairment;
- Past and future disfigurement;
- Costs of Court;
- Pre and Post Judgment interest.

Respectfully Submitted,

PIERCE SKRABANEK, PLLC

/s/ M. Paul Skrabanek

M. Paul Skrabanek
Bar Roll No. 34980
3701 Kirby Drive, Suite 760
Houston, TX 77098
Telephone: 832-690-7000
Facsimile: 832-616-5576

ATTORNEY FOR PLAINTIFFS